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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GOLDEN DOOR PROPERTIES, LLC,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
THE INTERIOR; DAVID L.
BERNHARDT, in his official capacity as
the Acting Secretary of the Interior;
UNITED STATES FISH AND WILDLIFE
SERVICE; and JAMES KURTH, in his
official capacity as the Acting Director of
the U.S. Fish and Wildlife Service,
Defendants.

Case No.: '19CV0193 GPC WVG

**DECLARATION OF TAIGA
TAKAHASHI, IN SUPPORT OF
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF FOR
VIOLATION OF FREEDOM
OF INFORMATION ACT, 5
U.S.C. § 552**

DECLARATION OF TAIGA TAKAHASHI

I, Taiga Takahashi, declare the following:

1. I am an attorney with Latham & Watkins LLP, counsel to Plaintiff Golden Door Properties, LLC, am licensed to practice before the courts of California, and am a member of the Southern District of California bar. The facts provided herein are based on my personal knowledge, and if called upon to do so, I could and would competently testify thereto.

2. On June 22, 2018, on behalf of the Golden Door, I directed the submittal of three separate FOIA requests to each of the U.S. Department of the Interior's (or "DOI") Office of the Secretary in Washington, D.C., USFWS Headquarters (or "FWSHQ") in Washington, D.C., and the USFWS Pacific Southwest Region Headquarters in Sacramento, California (or "Pacific Southwest Region"). A true and accurate copy of these requests is attached hereto as **Exhibit A**.

USFWS's inadequate FOIA responses

3. On June 29, 2018, my office received an email from FWHQ's FOIA office in response to the request to the Pacific Southwest Region stating that it "received your request dated June 22, 2018. We have forwarded your request to our Region 8 Office for processing. You will receive formal acknowledgement shortly." This receipt contained no determination or information responsive to either of the FOIA requests to USFWS.

4. On August 15, 2018, after receiving no determination from USFWS regarding either of the FOIA requests to USFWS, I sent an email to the USFWS FOIA Officer, inquiring into the status of Golden Door's June 22, 2018 FOIA request directed to USFWS Headquarters ("FWSHQ").

5. On August 17, 2018, I received an email from the Pacific Southwest Region FOIA coordinator who stated they would "look into this one and get back to you." The email revealed that on August 16, 2018, FWSHQ had

1 forwarded my August 15, 2018 email to the Pacific Southwest Region FOIA
2 coordinator in an email with no explanatory text.

3 6. On August 27, 2018, I received an email from the Pacific
4 Southwest Region FOIA coordinator acknowledging the Golden Door's FOIA
5 request directed toward the Pacific Southwest Region office.

6 7. On September 4, 2018, I sent an email to FWSHQ, again
7 inquiring into the status of the Golden Door's FOIA request to FWSHQ and
8 explaining the distinction between the requests made to FWSHQ and the Pacific
9 Southwest Region. On the same day, I received an email from the Pacific
10 Southwest Region FOIA coordinator explaining that he is "only handling the
11 Sacramento portion and [FWSHQ] will provide you with another FOIA tracking
12 number outside of my [the Pacific Southwest Region FOIA Coordinator's]
13 number."

14 8. On November 5, 2018, I received an email from the Pacific
15 Southwest Region FOIA coordinator explaining that he was "still hunting this [the
16 FOIA request to FWSHQ] down" but that "no one can find any info on this one."

17 9. A true and accurate copy of the correspondence described in
18 paragraphs 3–8 is included in **Exhibit B**.

19 10. As of the undersigned date, I have not received any further
20 acknowledgement, response, or determination from FWSHQ regarding the Golden
21 Door's FOIA request to FWSHQ.

22 **DOI's inadequate FOIA responses**

23 11. On July 18, 2018, my office received a letter from DOI
24 acknowledging the Golden Door's FOIA request to DOI's Office of the Secretary
25 in Washington, D.C.

26 12. On August 15, 2018, I sent an email to the DOI FOIA Office
27 inquiring into the status of the Golden Door's June 22, 2018 FOIA request.

28 13. On August 22, 2018, I received an email response the DOI

1 stating that “[a]t this time, we are still waiting on the program offices to send us all
2 potentially responsive records for the request. . . . [W]e cannot provide you a
3 timeline at this point[.]”

4 14. A true and accurate copy of the correspondence described in
5 paragraphs 11–13 is attached hereto as **Exhibit C**.

6 15. As of the undersigned date, I have not received any written
7 notification of DOI’s determination regarding this request.

8 I declare under penalty of perjury that the foregoing is true and accurate.
9 Executed at San Diego, California on January 28, 2019.

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11 
Taiga Takahashi

EXHIBIT INDEX

Exhibit	Document	Page(s)
A.	FOIA requests to Department of the Interior, U.S. Fish and Wildlife Service and Pacific Southwest Region Headquarters, dated June 22, 2018	5 - 14
B.	Communications between counsel for Golden Door Properties, LLC and U.S. Fish and Wildlife Service, dated 2018	15 - 45
C.	Communications between counsel for Golden Door Properties, LLC and U.S. Department of the Interior, dated 2018	46 - 51